

In the Matter of)
)
 Elimination of Main Studio Rule) MB Docket No. 17-106
 To: The Commission

Mountain Licenses, L.P., Broadcasting Licenses, L.P., Stainless Broadcasting, L.P., Blackhawk Broadcasting LLC and Bristlecone Broadcasting LLC (collectively “TV Licensees”)¹ hereby comment on the Notice of Proposed Rulemaking, FCC 17-59, released May 18, 2017 (“NPRM”) in the above-captioned proceeding. The NPRM proposes to eliminate the main studio rule (“MSR”), codified in 47 C.F.R. § 73.1125(a)-(d), and several associated requirements. The MSR requires each television and radio broadcaster to maintain a main studio in or near its community of license. Under the associated requirements, main studios must have both a management and staff presence during regular business hours, and program origination capability.

TV Licensees strongly support the Commission’s proposal to eliminate the MSR, now nearly eighty years old,² as well as the associated staffing and program origination requirements. While this rule and these requirements may have once served a useful purpose, that is no longer

² NPRM at ¶ 1.

the case. Instead, the MSR and its parallel requirements impose on television broadcasters substantial unnecessary costs and burdens that simply make it more difficult for them to compete in today's much more diverse video marketplace, populated by cable, satellite, and Internet competitors. TV Licensees believe the FCC can rely on those same marketplace forces, as well as its overall public interest regulation of broadcasters, to help insure that broadcasters remain in touch with, and responsive to, their listening and viewing audiences. Given the rapid pace of technological change that has affected the broadcast industry over an extended period of time, the MSR has truly outlived its usefulness.

A key fact supports the proposed elimination of the MSR. That is, in local communities today, viewers simply do not visit “bricks and mortar” main studios to review a public inspection file or communicate their concerns to their local television stations. TV Licensees can attest to that. Over the last several years, the number of public visitors to their main studios can generally be counted on one hand. Indeed, in some years, not a single viewer stops by a particular main studio to compliment or complain. Rather, viewers today interact with the stations and their management by any number of modern means – typically telephone, email, and social media platforms like Facebook and Twitter.³ Two-way communication via these modes is frequent, robust, and productive. And, of course, as the NPRM observes (at ¶ 1), the public inspection files of all television can now be found online at a site hosted by the Commission, obviating the need for visits to a local studio.

³ TV Licensees do not object to maintaining a local number or toll-free telephone number for the use of the viewing public, but believe that Rule 73.1125(e) is adequate in its present form. See NPRM at ¶ 10. If the Commission is inclined for any reason to adopt more granular regulations relating to the maintenance of such numbers, TV Licensees urge the Commission to build flexibility into any new requirements. For example, nothing more than regular retrieval and reasonably prompt responses to voicemail messages should be mandated, and even that formulation could unnecessarily invite unproductive disputes.

That is not to say that all stations will just shut down their studios if the MSR is eliminated. After all, the business of a local broadcaster typically requires staffing in a variety of phases of operation – sales, traffic, local news production, etc. – that in turn requires a home base within the market. But implementation of these decisions in the most efficient way possible can and should be left up to each individual station operating within the marketplace, particularly given the varying sizes and roles of different stations in the overall video ecosystem. As we are now well into the 21st Century, these decisions should not continue to be the stuff of continuing government regulation. The idea that station employees need to be sitting at a desk in a main studio in order to be ready to be responsive to the public is clearly outmoded. In the age of smartphones, those employees carry with them hand-held devices that keep them connected 24/7 virtually wherever they are. And, broadcasters are heavily incentivized to be in touch instantaneously with their audiences. In today's fast-paced, technology-driven world, maintenance of a continuously staffed main studio is irrelevant to that everyday reality.

Nor does government-mandated program origination capability at a main studio make any sense today. With or without the MSR, television broadcasters remain responsible for providing programming responsive to their communities of license and they remain obligated to place in their online public inspection files, every calendar quarter, a listing of station programming that is responsive to the problems, needs, and interests of local viewers. In today's world of ever-evolving technologies, it should not be a matter of government concern as to how and where that programming originates.⁴ What matters is that the broadcaster provide that programming to its local audience, regardless of the means of the programming's origination. Mandated main studio program origination capability imposes unnecessary, improvident costs on

⁴ Again, smartphones allow transmitter control, shut down, and trouble shooting from any point that has Internet connectivity.

stations. Broadcasters should be freed up to put their finite funds to better uses that provide tangible benefits to their viewers.

*****.

TV Licensees applaud the Commission for revisiting the MSR and the associated requirements and proposing their elimination. In order to compete in today's complex and crowded video marketplace, television broadcasters need a governmental regulatory regime that is as dynamic and flexible as they need to be to survive and compete. Rigorous application of cost/benefit analysis leads ineluctably to the conclusion that the MSR's considerable costs outweigh any benefits the MSR may once have had, now so obviously eroded by the march of time.

CONCLUSION

For the foregoing reasons and those set forth in the NPRM, TV Licensees fully support the NPRM's proposed elimination of the main studio rule and associated requirements.

Respectfully submitted,

**MOUNTAIN LICENSES, L.P.,
BROADCASTING LICENSES, L.P.,
STAINLESS BROADCASTING, L.P.,
BLACKHAWK BROADCASTING LLC &
BRISTLECONE BROADCASTING LLC**

By: /s/ Dennis P. Corbett

Dennis P. Corbett
Jessica D. Gyllstrom
Telecommunications Law Professionals PLLC
1025 Connecticut Avenue, NW
Suite 1011
Washington, DC 20036
Telephone: (202) 789-3120
Facsimile: (202) 789-3112

July 3, 2017

Their Attorneys